

**REMARKS**

This Supplemental Response is filed to correct a typographical error contained in the Response to Office Action filed on August 2, 2010. In the Response of August 2, the word "not" was inadvertently omitted from the phrase "at a point corresponding to respective ends of the at least two compression/tension elements" appearing in the amendments to claim 1 (lines 13-14). The amendment to claim 1 should have recited " at a point not corresponding to respective ends of the at least two compression/tension elements." The addition of the word "not" is fully supported by Applicants arguments as appearing on pages 10 and 11 of the Response of August 2. Applicant respectfully submits that this Supplemental Response is identical to the Response of August 2 in every respect with the exception of the addition of the word "not" to the amendments of claim 1 on page 3. Thus, Applicant respectfully submits that this Supplemental response is intended to supersede and replace the Response of August 2, 2010.

This application has been carefully reviewed in light of the Office Action mailed March 1, 2010. Claims 1-2, 4, 6, 13 and 20 are amended above. Claims 1-36 are currently pending in this application. Applicant respectfully submits that no new matter has been added by way of the amendments presented herein. Applicant respectfully requests reconsideration of this application, and favorable action on all remaining claims, in view of these amendments and the following remarks.

In the Office Action, the Examiner has objected to the Specification due to minor informalities. The Specification is amended above consistent with the Examiner's instructions. Applicant respectfully requests that the Examiner's objection to the Specification be withdrawn.

Claims 1-36 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that the Specification does not clarify the term "connected non-positively." Claims 1, 6, 13, and 20 are amended above to remove the term "connected non-positively" and variations thereof. Applicant respectfully submits that support for this amendment can be found throughout the specification and at least in Figures 1a-1b and 18-30 of the drawings as originally filed. Applicant respectfully submits that

amended claim 1 is now in condition for allowance. Claims 2-36 depend from claim 1. Applicant, therefore, respectfully submits that dependent claims 2-36 are also in condition for allowance.

Claims 1-36 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the Examiner asserts that the metes and bounds of the term "connected non-positively" are not clear. Claims 1, 6, 13, and 20 are amended above to remove the term "connected non-positively" and variations thereof. Applicant respectfully submits that support for this amendment can be found throughout the specification and at least in Figures 1a-1b and 18-30 of the drawings as originally filed. Applicant respectfully submits that amended claim 1 is now in condition for allowance. Claims 2-36 depend from claim 1. Applicant, therefore, respectfully submits that dependent claims 2-36 are also in condition for allowance.

Claims 1-3, 5, 8, 11, 14-16, 26, and 28-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Publication No. WO 01/73245 to Pedretti ("Pedretti"). Applicant respectfully traverses these claim rejections.

Claim 1 recites, in a pneumatic plate element, the following:

- (a)** at least one hollow body made from a flexible material that is gas-tight and capable of sustaining loads from a pressure media under operating pressure;
- (b)** at least two compression/tension elements surrounding the at least one hollow body, wherein each end of each compression/tension element of the at least two compression/tension elements is connected with an end of another compression/tension element of the at least two compression/tension elements;
- (c)** wherein the at least one hollow body is located between the at least two compression/tension elements;
- (d)** wherein at least two of the at least two compression/tension elements are connected to each other via at least one pure tensile element;
- (e)** wherein the at least one pure tensile element is connected to each of the at least two compression/tensions elements at a point not corresponding to respective ends of the at least two compression/tension elements; and
- (f)** wherein, responsive to application of a load to the pneumatic plate element under operating pressure, a first compression/tension element of the at least two compression/tension elements is axially compressed and a second

compression/tension element of the at least two compression/tension elements is axially tensioned.

Applicant respectfully submits that Pedretti fails to disclose at least feature (b and f) of amended claim 1.

Pedretti relates to a pneumatic structural element. Regarding feature (b), in the Office Action, the Examiner correlates element 1 of Pedretti (Figure 10) with a hollow body, element 2 of Pedretti (Figure 10) with tension/compression elements, and element 4 of Pedretti (Figure 10) with a pure tensile element.<sup>1</sup> Applicant respectfully submits that, even if these correlations are assumed for the sake of argument to be correct, Pedretti still fails to disclose at least two compression/tension elements surrounding at least one hollow body, wherein each end of each compression/tension element of the at least two compression/tension elements is connected with an end of another compression/tension element of the at least two compression/tension elements as recited in feature (b) of amended claim 1.

In contrast to amended claim 1, Pedretti discloses that the elements (3) are oriented parallel to each other.<sup>2</sup> There is no disclosure of an arrangement where an end of one compression/tension element is connected with an end of another compression/tension element as claimed. For at least this reason, Applicant respectfully submits that amended claim 1 distinguishes over Pedretti and is in condition for allowance.

With respect to feature (f) of amended claim 1, Applicant respectfully submits that Pedretti fails to disclose at least one pure tensile element connected to each of at least two compression/tensions elements at a point not corresponding to respective ends of the at least two compression/tension elements. Pedretti discloses a wire (4) that is connected to a compression element (2). However, in contrast to amended claim 1, the wire (4) of Pedretti is always depicted as being connected to the compression element (2) at an end of the compression element (2).<sup>3</sup> Thus Pedretti fails to disclose at least one pure tensile element connected to each of at least two

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<sup>1</sup> Office Action, p. 3.

<sup>2</sup> See, e.g., Pedretti, Figs. 8a-10.

<sup>3</sup> See, e.g., Pedretti, Figs. 1a-2, 3c, 5-7, 8a-8b, 10.

compression/tensions elements at a point not corresponding to respective ends of the at least two compression/tension elements as recited in feature (f) of amended claim 1. For this additional reason, Applicant respectfully submits that amended claim 1 distinguishes over Pedretti.

Claims 2-3, 5, 8, 11, 14-16, 26, and 28-36 depend from, and further restrict, independent claim 1 in a patentable sense. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with respect to independent claim 1, dependent claims 2-3, 5, 8, 11, 14-16, 26, and 28-36 also distinguish over Pedretti and are in condition for allowance.

Claims 1, 2, 5, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,987,736 to Miller ("Miller"). Applicant respectfully traverses these claim rejections.

As discussed above, claim 1 recites at least two compression/tension elements surrounding at least one hollow body, wherein each end of each compression/tension element of the at least two compression/tension elements is connected with an end of another compression/tension element of the at least two compression/tension elements. Applicant respectfully submits that Miller fails to disclose this claimed feature.

Miller discloses a cushioning device where boards (16) are disposed on opposite sides of a tube (12).<sup>4</sup> A sack (18) is placed around the boards (16) and the tube (12).<sup>5</sup> However, in contrast to amended claim 1, there is no connection between ends of the boards (16) of Miller. Thus, Miller does not disclose at least two compression/tension elements surrounding at least one hollow body, wherein each end of each compression/tension element of the at least two compression/tension elements is connected with an end of another compression/tension element of the at least two compression/tension elements as claimed. For at least this reason, Applicant respectfully submits that amended claim 1 distinguishes over Miller and is in condition for allowance.

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<sup>4</sup> See Miller, col. 4, ll. 28-53.

<sup>5</sup> *Id.*

Claims 2, 5, and 11 depend from, and further restrict, independent claim 1 in a patentable sense. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with respect to independent claim 1, dependent claims 2, 5, and 11 also distinguish over Miller and are in condition for allowance.

No fees beyond those already paid is believed to be due for this Supplemental Response. However, the Commissioner is hereby authorized to charge any deficiency in the fees owed for the filing of this Supplemental Response, or credit any overpayment, to **Deposit Account No. 23-2426 of Winstead PC**.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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